
Public Utilities Commission of the State of California

Public Agenda 3186

Thursday, January 25, 2007 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

John A. Bohn

Rachelle B. Chong

Dian M. Grueneich

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Friday, February 09, 2007 (San Francisco)	Thursday, January 25, 2007 (San Francisco)
Monday, February 26, 2007 (San Francisco)	Thursday, February 15, 2007 (San Francisco)
Monday, March 12, 2007 (San Francisco)	Thursday, March 01, 2007 (San Francisco)
Monday, April 02, 2007 (San Francisco)	Thursday, March 15, 2007 (San Francisco)
Monday, April 30, 2007 (San Francisco)	Thursday, April 05, 2007 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.

For further information contact the Public Advisor
(415) 703-2074 E-mail: public.advisor@cpuc.ca.gov



This location is accessible to people with disabilities. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TTY# (415) 703-5282 or toll free # 1-866-836-7825 three business days in advance of the meeting.

PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
- 11, 21, 22, 37

Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Consent Agenda - Orders and Resolutions

- 1**
[6150] **Res TL - 19083**
This resolution approves issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=262561
- 2**
[6151] **Res ALJ 176-3186**
Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Rule 7.1 of the Commission's Rules of Practice and Procedure.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=264074
- 3**
[6238] **R98-07-038 - Rulemaking for the purposes of revising General Order 96-A regarding informal filings at the Commission.**
This decision adopts the bulk of the previously proposed revisions to General Order 96-A, which governs utility tariffs (including their form, content, and publication) and the advice letters by which they are amended. The Commission adopts the remainder of General Rules that complement the individual rules that the Commission previously adopted in the three interim decisions. These General Rules govern all utilities that file advice letters. The Commission also adopts specific rules for utilities in the energy and water industries. Collectively, these General Rules and Industry Rules now constitute General Order 96-B.
(Comr Peevey - ALJ Thorson)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=263567

Consent Agenda - Orders and Resolutions (continued)**4** **R03-10-003 - Order Instituting Rulemaking to implement portions of AB 117 concerning**
[6241] **Community Choice Aggregation.**

This decision adopts certain modifications to the Cost Responsibility Surcharge (CRS) applied to former customers of jurisdictional electrical utilities whose electrical services are provided by Community Choice Aggregators. These changes are consistent with those adopted in D06-07-030 for the CRS applied to direct access customers and customers of municipal utilities. This proceeding is closed.

(Comr Peevey - ALJ Malcolm)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3185, Item 13 1/11/2007 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=264010

5 **Res W-4630**

[6254] This resolution affirms Water Division's ministerial disposition of Alisal Water Corporation - Salinas District's Advice Letter No. 107 for expansion of service area contiguous to the existing service area map.

(Exam Coughlan)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=262032

6 **A05-06-006 - Pacific Gas and Electric Company.**

[6262] For approval of 2006-2008 demand response programs and budgets. A05-06-008; A05-06-017 - Related matters. This decision corrects an error in and clarifies the intent of D06-11-049, which adopted a number of augmentations and improvements to existing utility demand response programs and budgets originally adopted in D06-03-024. These proceedings are closed.

(Comr Chong - ALJ Malcolm)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=264042

7 **Res L-340**

[6265] This resolution authorizes the disclosure of records related to the Consumer Protection and Safety Division's investigation of a vehicle train collision on August 5, 2005, at the Hagle Tree Farm private highway-rail crossing in Somis, California.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=261014

Consent Agenda - Orders and Resolutions (continued)

- 8 Res W-4631 - Yerba Buena Water Company.**
[6273] This resolution authorizes an interim general rate increase subject to refund, producing an increase in gross annual revenues of \$40,000 or 41.5%.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=260963
- 9 Res T-17070 - Community Action Partnership of Kern (Partnership).**
[6281] This resolution grants Partnership to use the 2-1-1 dialing code for health and human services information and referral service in Kern County.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=261207
- 10 Res T-17069 - Verizon California, Inc. (Verizon).**
[6282] This resolution approves an interconnection agreement between Verizon and Ygnition Networks, Inc., pursuant to Section 252 of the Telecommunications Act of 1996, and in accordance with the provision of General Order 96-A, and Resolution ALJ-181. (Advice Letter 11687, filed November 29, 2006)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=261616
- 11 C05-11-004 - Bee Sweet Citrus, Inc. (Bee Sweet) vs. Southern California Edison Company (SCE).**
[6286] Bee Sweet seeks reparations of more than \$43,000 alleging that SCE improperly billed Bee Sweet for on-peak demand charges. Held: Judgment for SCE. Bee Sweet did not show the charges were improper. This proceeding is closed.
(Comr Bohn - ALJ Barnett)
Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=258705
- 12 A06-10-024 - Diablo Canyon Independent Safety Committee (Safety Committee).**
[6287] For approval of a restated charter to govern the composition, responsibilities, and operations of the committee. In an uncontested proceeding, the Safety Committee is granted authority to change its charter to reflect changes as previously authorized in Commission decisions. This decision does not grant any new authority nor abridge any existing authority. This proceeding is closed.
(Comr Bohn - ALJ Long)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=264097

Consent Agenda - Orders and Resolutions (continued)

- 13**
[6289] **A06-10-030 - Volcano Telephone Company (Volcano).**
This decision grants Volcano Telephone Company the authority to issue a \$15.622 million long-term promissory note to the United States of America for the purpose of refinancing its previously authorized debt. This proceeding is closed.
(Comr Bohn - ALJ Galvin)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=263832
- 14**
[6292] **Res W-4632 - Weimar Water Company, Inc.**
This resolution authorizes Weimar Water Company, Inc. to borrow \$450,000 for water system improvements from the Granite Community Bank, N.A. or other financial institutions, and to encumber its assets in connection with the loan. (Advice Letter 47-W, filed November 9, 2006)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=264019
- 15**
[6292] **R02-01-011 - Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill 1x and Decision 01-09-060.**
This decision grants the Petition to Modify D06-07-030 in order to: (1) adopt Resource Adequacy Generation Capacity adders for 2007 for Pacific Gas and Electric Company, Southern California Edison and San Diego Gas and Electric; (2) adopt line loss factors for 2007; (3) modify the 2007 price benchmark; and (4) modify Appendix tables.
(Comr Peevey - ALJ Pulsifer)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=261244
- 16**
[6302] **A06-10-033 - McDATA Corporation (McDATA), Computer Network Technology Corporation (CNT), and Brocade Communications Systems, Inc. (Brocade) (Joint applicants).**
This decision grants the joint application for approval of the indirect transfer of control of CNT from McDATA to Brocade, and the change of CNT's name to Brocade Services Corporation. This proceeding is closed.
(Comr Bohn - ALJ O'Donnell)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=263482

Consent Agenda - Orders and Resolutions (continued)**17** **A06-08-024 - Martin L. Griffin and Helen M. Upton dba North Valley Shuttle, LLC.**
[6303] **(Applicants)**

This decision authorizes applicants to operate as a passenger stage corporation between Chico, Paradise, Oroville, Gridley, Marysville, and Yuba City, on the one hand, and Sacramento International Airport, on the other hand; and to establish a zone of rate freedom. This proceeding is closed.
(Exam Clark)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=262376

18 **A06-10-029 - Golden State Water Company (GSWC).**
[6306]

This decision grants the application of GSWC, pursuant to Sections 816-830 of the Public Utilities Code to (1) issue, sell and deliver by public offering or private placement securities not exceeding \$200,000,000 in aggregate principal offering amount, including common shares, bonds, debentures and notes for purposes permitted under Public Utilities Code Section 817 and related authorizations. This proceeding is closed.

(Comr Bohn - ALJ Pulsifer)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=264055

19 **A06-08-007 - City of San Diego (City).**
[6307]

This decision grants the request of the City to construct the Ocean Beach grade-separated bike path-rail crossings under NCTD's and MTDB's elevated rail structures in the City and County of San Diego County. This proceeding is closed.

(Exam Clark)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=259390

20 **A05-12-011 - PacifiCorp.**
[6310]

This decision grants PacifiCorp's unopposed petition for modification of Decision D06-10-047. This decision allows PacifiCorp to move the location of the laydown and staging yard it will use while constructing a 115 kilovolt electric transmission line and associated substation modifications between the cities of Yreka and Weed in Northern California. The decision also certifies an amendment to Final Mitigated Negative Declaration prepared in connection with the project in accordance with the California Environmental Quality Act and approved in D06-10-047.

(Comr Peevey - ALJ Thomas)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=262594

Consent Agenda - Orders and Resolutions (continued)

- 21 (Rev.)** **C05-07-001 - William Arterberry dba Farm ACW v. San Diego Gas & Electric Company.**
[6315] This order further extends statutory deadline to conclude adjudicatory matter.
 (Comr Peevey - ALJ Barnett)
 Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
 01/18/2007 - This revision was not shown on the Agenda mailed to the public.
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=261419
- 22** **C05-12-017 - Chris Mathys v. Pacific Gas and Electric Company.**
[6316] This order extends the statutory deadline.
 (Comr Grueneich - ALJ Bemserfer)
 Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=262546
- 23** **Res ALJ-198**
[6317] This resolution approves the change of the preliminary determination made earlier by the Commission regarding the need for hearing in A06-11-007. (Res. ALJ 176-3183, November 30, 2006)
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=262795
- 24** **A06-11-022 - Q-Comm Corporation.**
[6318] This decision authorizes the transfer of control of Norlight Telecommunications, Inc. to Q-Comm Corporation.
 The application is unopposed.
 This proceeding is closed.
 (Comr Chong - ALJ Patrick)
 Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=263763
- 25** **A06-08-001 - Southern California Edison Company (SCE).**
[6319] This decision grants SCE's request for a \$3.538 billion Energy Resource Recovery Account (ERRA) proceeding, revenue requirement.
 This represents a decrease of \$630 million in the ERRA revenue requirement, and an overall decrease of \$369 million including changes from other accounts. This proceeding is closed.
 (Comr Peevey - ALJ Gamson)
 Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=264071

Consent Agenda - Orders and Resolutions (continued)

51 (Rev.)**Res E-4065**

[6341]

Energy payment deferral plan for citrus producers and other affected agricultural growers. This resolution authorizes Pacific Gas and Electric Company, San Diego Gas and Electric Company, Southern California Gas Company, and Southern California Edison Company to file advice letters to implement deferred payment plans for qualifying citrus growers and other agricultural growers whose crops were destroyed as a result of the cold storms and resulting frost damage that occurred in January 2007. This matter is added to the agenda pursuant to Government Code Section 11125.3(a)(2).

01/23/2007 - This revision was not shown on the Agenda mailed to the public.

01/23/2007 - This item was not listed on the agenda distributed to the public.

01/23/2007 - This item appeared as (50) under Regular Agenda/Energy Resolutions and Written Reports section on the agenda distributed to the public.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=264093

Regular Agenda

Regular Agenda - Energy Orders

26 **R05-02-023 - Order Instituting Rulemaking to revise Commission General Order Number 95**
[6082] **pursuant to D05-01-030.**

The ALJ has withdrawn his proposed decision and supports the assigned Commissioner's alternate decision, Agenda ID# 6159.

(Comr Peevey - ALJ Walker)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

Agenda 3182, Item 30 11/9/2006 (Staff);

Agenda 3184, Item 34 12/14/2006 (Bohn);

Agenda 3185, Item 29 1/11/2007 (Peevey)

26a **ALTERNATE TO ITEM 6082**

[6158] This alternate decision revises General Order 95 to establish uniform construction standards for attaching wireless antennas to jointly used poles. This decision approves an unopposed settlement agreement and adopts a new Rule 94 as agreed to by the settling parties. This decision also requires that antenna owners submit information about certain antenna installations to the Commission's Consumer Protection and Safety Division. This proceeding is closed.

(Comr Chong)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3184, Item 34a 12/14/2006 (Bohn);

Agenda 3185, Item 29a 1/11/2007 (Peevey)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=262723

Regular Agenda - Energy Orders (continued)

26b ALTERNATE TO ITEM 6082

[6159]

This alternate decision adopts in its entirety, pursuant to Public Utilities Code §451 and §761 the Rule 94 previously sponsored by the Commission's Consumer Protection and Safety Division (CPSD), the International Brotherhood of Electrical Workers Local 1245, the Communications Workers of America-Ninth District, Pacific Gas and Electric Company and San Diego Gas & Electric Company. This alternate decision also rejects assertions of some parties that elements of the new Rule 94 are preempted by the Telecommunications Act of 1996 and Federal Communications Commission (FCC) rules regulating radio frequency (RF) exposure, concluding instead that mere acknowledgment of the FCC's RF rules does not preempt a state agency that enacts construction rules intended to provide a safe working environment for those climbing and working on utility poles bearing electrical overhead lines. Where the proposed decision would adopt a settlement agreement supported by several of the parties, this alternate rejects the settlement agreement because it would remove critical worker safety provisions from Rule 94 and substitute private agreements between some (but not all) pole owners and some (but not all) RF antenna owners. The settlement's contractual provisions cover only a subset of utilities within Commission jurisdiction. These private agreements would clearly exclude many utilities who are not signatories to the settlement agreement and would limit this Commission's oversight authority and CPSD enforcement in protecting worker safety. This alternate decision therefore finds that the settlement agreement is not in the public interest.

(Comr Peevey)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3184, Item 34b 12/14/2006 (Bohn);

Agenda 3185, Item 29b 1/11/2007 (Peevey)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=256770

27

[6247]

R06-04-009 - Order Instituting Rulemaking to Implement the Commission's Procurement Incentive Framework and to Examine the Integration of Greenhouse Gas Emissions Standards into Procurement Policies.

This decision adopts an interim greenhouse gas (GHG) emissions performance standard for new long-term financial commitments to baseload generation undertaken by all load-serving entities, consistent with the requirements and definitions of Senate Bill (SB) 1368 (Stats. 2006, ch. 598). The adopted emissions performance standard is intended to serve as a near-term bridge until an enforceable load-based GHG emissions limit is established and in operation. At that time, as directed by SB 1368, the Commission will reevaluate and continue, modify or replace this standard through a rulemaking proceeding, and in consultation with the California Energy Commission and the California Air Resources Board.

(Comr Peevey - ALJ Gottstein)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=263938

Regular Agenda - Energy Orders (continued)

28 A05-04-015 - Southern California Edison Company (SCE).

[6259] This decision grants a certificate of public convenience and necessity to SCE to construct the Devers-Palo Verde No. 2 (DPV2) transmission project. This project includes two major transmission lines: the Devers Harquahala 500 kV line between Arizona and SCE's Devers substation in North Palm Springs, and the Devers-Valley No. 2 500 kV line between the Devers substation and SCE's Valley substation in the unincorporated community of Romoland in Riverside County. It adopts maximum cost for DPV2 of \$545,285,000, with adjustments depending on final routing determinations. This proceeding is closed.

(Comr Grueneich - ALJ TerKeurst)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=263941

29 A06-11-007 - Southern California Edison Company (SCE).

[6288] This decision authorizes SCE to enter into a 10-year power purchase agreement (PPA) with Long Beach Generation LLC (LBG), a wholly owned subsidiary of NRG Energy, Inc. (NRG) for 260 megawatts of natural gas-fired peaking capacity from Long Beach Generation Facility units, 1, 2, 3 and 4, for delivery from August 1, 2007 through July 31, 2017. Furthermore, SCE is to apply the cost sharing mechanism from D06-07-029 and allocate the benefits and costs of the LBG PPA to all benefiting customers. The Commission is approving this resource to ensure electric reliability for summers 2007 through 2009 in light of the unprecedented record-breaking demand on the system during the heat storm of summer 2006 and the tight reserves in the Southern California service territory. The expense of this PPA is measured against the benefits in increased capacity for SP26 and the cost of interruptions in service to businesses and residences in a Stage 3 crisis and the avoided costs of back-up procurement by the California Independent System Operator who will step in if resource reserves are strained to procure sufficient resources for reliable electricity and to prevent service interruptions, including blackouts. This proceeding is closed.

(Comr Peevey - ALJ Brown)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=263393

Regular Agenda - Energy Orders (continued)

30 R_____ - Order instituting rulemaking regarding policies and protocols for demand response load impact estimates, cost-effectiveness methodologies, megawatt goals and alignment with California Independent System Operator's market design protocols.

[6308]

This order initiates a Rulemaking to develop protocols for estimating the load impacts of demand response programs, develop methodologies that measure the cost-effectiveness of demand response programs, set demand response megawatt goals for 2008 and beyond, and consider modifications to demand response programs in support of the California Independent System Operators' efforts to incorporate demand response into market design protocols. Consideration of some of the issues in this rulemaking will build on the work begun in Rulemaking R02-06-001. This rulemaking will coordinate with efforts to measure and evaluate energy efficiency programs, forecast load for purposes of assuring resource adequacy, and calculate avoided costs.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=264065

31 R_____ - Order Instituting Rulemaking regarding policies, procedures and rules for the low income energy efficiency programs of California's energy utilities.

[6309]

This rulemaking is initiated to consider policies, rules and opportunities for the Low Income Energy Efficiency (LIEE) programs of California utilities. The Commission intends to address the following issues in the coming year: Program Objectives and Priorities; Goals-Based Budgeting; Cost-benefit models; Processes for Program Improvements; Coordination with the California Solar Initiative Program; Evaluation, Measurement and Verification of Program Results; Integrating LIEE programs with Other Energy Efficiency Programs; Program Access for Master-Metered Customers (Assembly Bill 2104); Program Access for Renters; Gas Furnace Programs; Water Conservation Efforts; and Program Management and Administration.

Regular Agenda - Energy Resolutions and Written Reports

- 32**
[6258] **Res E-4054 - Pacific Gas and Electric Company.**
This resolution requests approval of the increase in capital cost and resulting revenue requirement for Contra Costa 8. This request is conditionally approved as discussed in the body of this Resolution. (Advice Letter 2928-E filed November 8, 2006)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=259572
- 33**
[6266] **Res E-4053 - Southern California Edison Company (SCE).**
This resolution grants with modification SCE's request to implement a redesigned bill format consistent with D05-11-009, and to offer customers an optional simplified bill format. (Advice Letter 2058-E, filed November 15, 2006)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=263894
- 34**
[6267] **Res E-4059 - Southern California Edison Company (SCE).**
This decision authorizes SCE to add a Day-Of option to its Capacity Bidding Program. (Advice Letter 2057-E, filed November 8, 2006.)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=260988
- 35**
[6305] **Res E-4060 - Pacific Gas and Electric Company (PG&E).**
This resolution authorizes PG&E to add a Day-Of option to its Capacity Bidding Program. (Advice Letter 2942-E, filed December 5, 2006)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=263946
- 50 (Rev.)**
[6341] 01/23/2007 - This revision was not shown on the Agenda mailed to the public.
01/23/2007 - This item was not listed on the agenda distributed to the public.
01/23/2007 - Moved to item (51) under Consent Agenda/Orders and Resolutions section on the agenda.

Regular Agenda - Telecommunication Orders**36**

[6089]

R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.

I95-04-044 - Related matters. This decision resolves issues relating to intercarrier compensation for "virtual" NXX traffic transported over the networks of Small Local Exchange Carriers, pursuant to the directives in D03-09-005.

(Comr Peevey - ALJ Pulsifer)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3182, Item 37 11/9/2006 (Peevey);

Agenda 3183, Item 46 11/30/2006 (Peevey);

Agenda 3184, Item 49 12/14/2006 (Brown);

Agenda 3185, Item 31 1/11/2007 (Chong)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=263501

37

[6270]

C05-11-011 - Utility Consumers' Action Network vs. SBC Communications, Inc., dba Pacific Bell Telephone Company, and related entities.

C05-11-012 - Related matters. This decision determines that an agent of AT&T California (AT&T) and an agent and attorney of Cox Communications (Cox) engaged in impermissible ex parte communications with personal advisors of three Commission offices with the intent of influencing substantive issues in pending adjudications (where ex parte bans had been imposed). This decision determines that, in violation of the Public Utilities Code and our Rules of Practice and Procedure, impermissible ex parte violations have occurred and the Commission should impose sanctions including a fine of \$40,000 each against AT&T and Cox.

(Comr Peevey - ALJ Thorson)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=263953

Regular Agenda - Legal Division Matters

49 (Rev.)

FCC-01-92, WC Docket 96-45 and 05-337, FCC 06-J-1

[6296]

Reply comments in the matter of developing a unified intercarrier compensation regime – Missoula Plan - FCC-01-92, WC Docket 96-45 and 05-337.

01/17/2007 - This revision was not shown on the Agenda mailed to the public.

01/17/2007 - This item appeared as (47) under Closed Session/Federal section on the agenda distributed to the public.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=263493

Regular Agenda - Legislative and Other Matters

38

[6321]

2007 Legislative Package

Staff Proposal for Legislation Approved by the Legislative Sub Committee. Legislative Proposal One
- Water Low Income Ratepayer Assistance.

Regular Agenda - Commissioner's Reports

Regular Agenda - Management Reports and Resolutions

39

[6285]

Executive Director Larson Report

Update on Clean Energy Fund activities.

40

[6283]

Director Clark Report

Designation of Consumer Protection and Safety Division investigators authorized to exercise the limited powers of a peace officer within the scope of their duties as specified in Penal Code section 830.11 and Public Utilities Code Section 308.5. This matter will be presented before the Commission for discussion and action.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=262186

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).

Closed Session - Applications for Rehearing

41

Conference with Legal Counsel - Applications for Rehearing

[6152]

Compilation of applications for rehearing recently filed with the Commission.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

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A05-05-027 - Conference with Legal Counsel - Application for Rehearing

[6300]

Disposition of application for rehearing of D06-08-029 filed by Pacific Bell Telephone Company dba SBC California (AT&T-CA). In D06-08-029, the Commission approved the arbitrated and conformed interconnection agreement between AT&T-CA and MCImetro Access Transmission Services dba Verizon Access Transmission Services (Verizon). In doing so, the Commission affirmed, with amendments, the results of the Final Arbitrator's Report (FAR), which resolved 80 disputed issues in 14 categories. The Decision left open a number of issues which were transferred to A05-07-024. Among the transferred issues is the issue of rates to be charged for Price Schedule Issues 15 and 22 (in connection with Network Interconnection Method (NIM) 13).

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Closed Session - Initiation of Litigation - Non-Federal

Consideration of possible Commission initiation of, or intervention in, litigation.

Gov. Code § 11126(e)(2)(C)(i) and/or § 11126(d)(2), allows this item to be considered in Closed Session.

Closed Session - Threatened Litigation - Non-Federal

Significant exposure to litigation

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Existing Litigation - Non-Federal

Closed Session - Threatened Litigation - Federal

Significant exposure to litigation in federal agency or court proceedings.

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Initiation of Litigation - Federal

Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Closed Session - Federal

- 45** **FERC Docket No. ER06-615 - Conference with Legal Counsel - Existing Litigation**
[6153] California Independent System Operator Corporation, FERC Docket No. ER06-615, also known as Market Redesign and Technology Update (MRTU).
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.
- 46** **U.S. Supreme Court, Docket #06A621 - Conference with Legal Counsel - Existing Litigation**
[6284] Cingular Wireless, LLC v. California Public Utilities Commission, U.S. Supreme Court, Docket #06A621. I02-06-003, investigation into the practices of Cingular Wireless (including Early Termination Fee).
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.
- 47 (Rev.)** 01/17/2007 - This revision was not shown on the Agenda mailed to the public.
[6296] 01/17/2007 - Moved to item (49) under Regular Agenda/Legal Division Matters section on the agenda.

Closed Session - FERC Docket No. EL00-95-000, et al.

Conference with Legal Counsel - Existing Litigation; San Diego Gas & Electric Co., FERC Docket No. EL00-95, Investigation of Practices of the California Independent System Operator and the California Power Exchange, FERC Docket EL00-98, and related dockets, CPUC v. FERC, Ninth Circuit Nos. 01-71051, et al., and 01-71934, et al., and related dockets.

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.

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[6204]

FERC Docket Nos. EL00-95 & -98,et al;9th Cir.Nos.01-71051 & 01-71934 et al;PG&E et al v AZ Electric Power Coop., et al, US Dist. Ct, Eastern District CA No.2:06CV-00559-MCE-KJM;SDG&E et al v AZ Electric Power Coop,et al,US Dist. Ct, ED CA No.206CV-0592

FERC Docket Nos. EL00-95 and EL00-98, et al.; Ninth Circuit Nos. 01-71051 and 01-71934, and related dockets; Pacific Gas and Elec. Co., et al. v. Arizona Elec. Power Coop., et al., United States District Court, Eastern District of California No. 2:06-CV-00559-MCE-KJM; and San Diego Gas and Elec. Co., et al v. Arizona Elec. Power Coop., et al. , United States District Court, Eastern District of California No. 2:06-CV-0592.

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.

Agenda 3184, Item 69 12/14/2006 (Staff);

Agenda 3185, Item 41 1/11/2007

Closed Session - Personnel Matters

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

Gov. Code § 11126(a), allows this item to be considered in Closed Session